

Drawings

3. Rather than make changes to the drawings, the feature in the claims that the "top surface has little or no projection above said container other end;" is being amended to readhas little to no protrusion above said container other end.

Examination of the drawings reveals that the center of the closure top surface protrudes a fraction of its thickness above the container end and it slopes downwardly to its periphery where the top surface is below the container end. This change of wording, in the claims, is proposed as a remedy to overcome the objection to the drawings.

4. My reply is the same as in three (3) above.

Rather than make changes to the drawings, the feature in the claims that the "top surface has little or no projection above said container other end;" is being amended to readhas little to no protrusion above said container other end.

Examination of the drawings reveals that the center of the closure top surface protrudes a fraction of its thickness above the container end and it slopes downwardly to its periphery where the top surface is below the container end. This change of wording, in the claims, is proposed as a remedy to overcome the objection to the drawings.

5. I believe that what is described as a space or gap between the bottom of the closure skirt and the container neck on the right side of figure 4 is not present. Close examination of figure 4 will reveal that the section line for the container sidewall at this location may be what is being mistaken for interior surface of the sidewall. Note the bottom line of the two horizontal lines. This line terminates at the junction of the interior sidewall surfaces and can be seen to be above the section line. Hopefully, this explanation will overcome this objection to the drawings.

Other changes include FIG. 5 is now FIG. 1, and original FIG. 1 has been deleted; a new FIG. 5 is added; and FIG. 4 amended to show the location of new FIG. 5.

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Oct 24 '05 10:20a

p. 7

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Claim Rejections-35 USC 112

9. Thank you for pointing out the limitations imposed by the phrase "consisting of" in claim 1, and lack of sufficient antecedent in claims 3 and 9. The amended claims will address these points in a manner such as to overcome the stated limitations and absence of antecedent basis.

10. No reply required

11. Claims 1-3, 5, and 7 being rejected under 35 U.S.C. 102(e) as being anticipated by Silk (US 2004/0262310) is challenged by the applicant as the art cited was filed (04/29/04) which is after the filing date (09/29/03) claimed by the applicant.

Claim Rejections-35 USC 103

12. No reply required.

13. Claim 4 being rejected under 35 U.S.C. 103(a) as being anticipated by Silk (US 2004/0262310) in view of Devoe (US 684, 799) is challenged by the applicant as the Silk document cited was filed (04/29/04) which is after the filing date (09/29/03) claimed by the applicant.

14. Claim 6 being rejected under 35 U.S.C. 103(a) as being anticipated by Silk (US 2004/0262310) in view of Devoe (US 684, 799) is challenged by the applicant as the Silk document cited was filed (04/29/04) which is after the filing date (09/29/03) claimed by the applicant.

Allowable Subject Matter

15. Thank you for pointing out that the subject matter in claim 9 appears to avoid the art of record with appropriate amendment of claim 1.

Conclusion

16.-19. No reply required.

Thank you for your careful review of this application and pointing the errors and omissions contained therein. I have reviewed the detailed action and amended the application in such manner so as to be in compliance with the various cites; provided evidence as to why the application should be considered as a single species; and corrected the various errors and omissions. Hopefully, I have successfully addressed all of the above areas of concern and I am resubmitting this application for your examination.


Maximillian Kusz